

1 William D. Hyslop  
2 United States Attorney  
3 Eastern District of Washington  
4 Stephanie Van Marter  
5 Assistant United States Attorney  
6 Post Office Box 1494  
7 Spokane, WA 99210-1494  
8 Telephone: (509) 353-2767

9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 NICHOLAS SEAN CARTER,

15 Defendant.

Case No.: 2:20-CR-00005-SMJ-2

Motion for Detention

16 The United States moves for pretrial detention of Defendant, pursuant to 18  
17 U.S.C. § 3142(e) and (f).

18 1. Eligibility of Case. This case is eligible for a detention order because  
19 the case involves (check one or more):  
20

21 ☐ Crime of violence (as defined in 18 U.S.C. § 3156(a)(4) which  
22 includes any felony under Chapter 77, 109A, 110 and 117);  
23

24 ☐ Maximum penalty of life imprisonment or death;

25 ☒ Drug offense with maximum penalty of 10 years or more;  
26  
27  
28

1       ☐ Felony, with two prior convictions in above categories;

2       ☐ Felony that involves a minor victim or that involves the possession or  
3  
4 use of a firearm or destructive device as those terms are defined in 18 U.S.C.  
5 § 921, or any other dangerous weapon, or involves a failure to register under 18  
6 U.S.C. § 2250;

8       ☒ Serious risk Defendant will flee; or

9  
10       ☒ Serious risk obstruction of justice.

11       2. Reason for Detention. The Court should detain Defendant because  
12  
13 there is no condition or combination of conditions which will reasonably assure  
14 (check one or both):

15       ☒ Defendant's appearance as required; or

16  
17       ☒ Safety of any other person and the community.

18  
19       3. Rebuttable Presumption. The United States will invoke the rebuttable  
20 presumption against Defendant under 18 U.S.C. § 3142(e). The presumption  
21 applies because there is probable cause to believe Defendant committed:

22  
23       ☒ Drug offense with maximum penalty of 10 years or more;

24  
25       ☐ An offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;

26       ☐ An offense under 18 U.S.C. §§ 2332b (g)(5)(B) for which a maximum  
27  
28 term of imprisonment of 10 years or more is prescribed;

☐ An offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425;

4. Time for Detention Hearing. The United States requests the Court conduct the detention hearing:

☐ At the first appearance, or

☒ After a continuance of three days.

## 5. Other Matters.

Dated: January 23, 2020.

William D. Hyslop  
United States Attorney

s/ Stephanie Van Marter  
Stephanie Van Marter  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Nicholas Wright Marchi  
Carney & Marchi PS  
108 South Washington, Suite 406  
Kennewick, WA 99336  
[nmarchi@carmarlaw.com](mailto:nmarchi@carmarlaw.com)

s/ Stephanie Van Marter  
Stephanie Van Marter  
Assistant United States Attorney